

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 3611 – SB 3563

March 27, 2012

**SUMMARY OF AMENDMENT (015239):** Deletes all language after the enacting clause. Defines “excused absence” as an absence in which a student presents a note signed by a parent or guardian requesting that the student be excused. Prohibits an excused absence in this manner more than four times a semester and eight in an academic year in grades six through twelve and more than 10 times an academic year in grades kindergarten through five. In the event of a death in the student’s immediate family, the student shall present an obituary or funeral notice. Bereavement absences are limited to three days per incident. Defines immediate family and authorizes school officials to excuse bereavement absences for other close family members. An excused absence may also occur because of illness. In such cases, the student must present a note from a doctor or school nurse. Authorizes students in grades 11 and 12 to be excused up to three days to visit potential colleges. Authorizes students to be excused to care for a family member. Authorizes an excused absence to observe a special or recognized religious holiday with prior approval. Students may also be excused as a result of a school sponsored activity or in the event of an emergency requiring their absence.

One absence shall be recorded for each five tardies or early dismissals or any combination of tardies and early dismissals. A student who has been absent an aggregate of five days unexcused will be deemed habitually truant. A student who has been absent an aggregate of 10 days unexcused will be deemed chronically truant. Authorizes any student who was deemed chronically truant during the prior semester or school year to be subject to the same consequences as if the student were already classified as habitually truant at the beginning of the current school term. These consequences may include, but are not limited to, attendance contracts, referral to juvenile court, an attendance review committee or teen court, or some other similar measure that is adopted by the local education agency.

Requires students serving as pages for the General Assembly to be granted an excused absence.

Any parent, guardian, or other person with control of a student commits educational neglect if they facilitate the student’s unlawful absence from school. If a child is 14 years of age or older and is found to be habitually or chronically truant as defined by Tenn. Code Ann. § 49-6-3007(h), then the judge shall determine whether ordering a child to perform community service is in the best interest of the child and may require a child to perform community service.

If after three days of receipt of a notice of unlawful absence to a parent, guardian, or other person with parental relation, these individuals fail to comply with the notice, then the director of schools shall make a report of this failure to comply with within seven days to a sheriff, constable, city police officer, district attorney general, or the foreman of the grand jury so that they may proceed against any parent, guardian, or other person with parental relation unless the

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student is immediately placed in a day school. Authorizes a judge to assess a fine of up to \$50 or five hours of community service against the parent or guardian of any child that is reported as being habitually and unlawfully absent from school more than five days in any academic year.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures - \$741,600

Increase Local Expenditures - \$652,800\*

Increase Federal Expenditures - \$475,100

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures - \$38,200**

**Increase Local Expenditures – Not Significant**

**Increase Federal Expenditures - \$22,200**

Assumptions applied to amendment:

- According to the Department of Children's Services, the number of investigations involving educational neglect will increase by five percent or 72 cases.
- One additional case manager will be hired at a cost of \$60,453 with \$34,400 salary, benefits \$11,053, and other expenditures \$15,000.
- Of the \$60,453, 45 percent (\$27,204) will be TennCare funding. Of the TennCare funds, \$18,017 will be federal funds at a 66.23 percent match rate and \$9,187 (\$27,204 - \$18,017) will be state funds.
- Seven percent of the total (\$4,232) will be new Title IV-E federal funding.
- The remaining \$29,017 ( $\$60,453 - (\$27,204 + \$4,232) = \$29,017$ ) will be state funding.
- The increase in state expenditures for personnel will be \$38,204 ( $\$9,187 + \$29,017$ ).
- The increase in federal expenditures for personnel will be \$22,249 ( $\$18,017 + \$4,232$ ).
- Any increase in local expenditures as result of notifying officials will be not significant.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue will be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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